

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

TUESDAY, THE TWELFTH DAY OF
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 736 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 07/03/2005 in WP NO : 1666 OF 2005 on the file of the High
Court.)

Between:

Preetham Talari, S/o. T. Ananth Ram,
(Final MBBS Part-II) R/o. Flat No. 103, Amar Apartments,
Plot No. 139, Bhagya Nagar Colony, Kukatpally, Hyderabad.

..... APPELLANT

AND

- 1 The Vice Chancellor, NTR University of Health Sciences,
Vijayawada.
- 2 The Registrar, NTR University Sciences, Vijayawada.
- 3 The Principal, Gandhi Medical College, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:SMT.K.SESHARAJYAM

Counsel for the Respondent Nos.1 & 2: THE ADVOCATE GENERAL

Counsel for respondent No.3: G.P. for Medical and Health.

The Court made the following :

JUDGMENT (Per Hon'ble the Acting Chief Justice)

-
-

Heard the learned counsel for the appellant and the learned Advocate General for respondents.

2. This writ appeal is filed against the order passed by the learned single Judge in W.P.No.1666/2005.

3. The writ petition was filed by the appellant seeking quashing of order dated 27.1.2005. He also sought a direction that his results of the examination of M.B.B.S., part II (Final), be declared. Order, which was impugned in the writ petition was that the appellant had been disqualified from appearing in any examination till

September/October, 2005. He was a candidate for M.B.B.S., Part-II examination held in September/October, 2004. He was found by the Flying-Squad, in possession of the material, which was of the nature of copying material. A show cause notice was given to him. In reply to the show cause notice, he stated that:

“Sir, I sincerely appeal to you that I am completely innocent regarding this matter. I stay in the 3rd floor of the Gandhi Medical College Hostel and as it takes much time to come down for having food or some other purpose, it is usual for us to write some important and difficult points on paper for revising them during that time. I appeal that, accidentally that kind of paper was in my pocket amongst identity card and some pocket money without my knowledge.

It was genuinely accidental and was not intentional. It was completely due to human forgetfulness, in my case. I failed to remove the paper from my pocket probably out of exam tension, hurry and anxiety, that was kept in on the previous day supper time for revising. Sir, I bring to the notice of kind authority that I was completely unaware of its presence before they found it in my pocket.”

He also further submitted in his explanation that:

“Further by the time the squad came I had not answered the concerned question and I answered it later after the paper was taken out by the squad.”

4. This clear admission of the appellant shows that the material was copying material, which was found in his possession. Since he had not used this material till it was recovered from him, therefore, he was disqualified only for one year. The relevant regulation lays down that:

“During the University examination if a candidate is found in malafide possession of papers, books or notes or written notes on his clothes, body or table or chair, which is relevant to the examination(s) he will be disqualified from appearing in any university exam for one year and if found having copied will be disqualified for two years”

5. Therefore, in view of what has been stated hereinabove, we do not find that any interference is called for in the order of the learned single Judge.

6. However, the counsel for the appellant further submits that in a similar case a Division Bench of this Court had allowed the writ appeals being W.A.Nos.643 and 651 of 2005. We have gone through the order. It appears that there was no finding that the material recovered from the candidates was the relevant, for the purpose of examination. But in the present case, the relevancy of the material is not at all disputed and has been accepted by the candidate himself that the material was relevant.

7. For the above reasons, the writ appeal is dismissed. No costs.

BILAL NAZKI, HACJ

DR.G.YETHIRAJULU,J

AVS

DATE:12.04.2005

.....REGISTRAR

To

1. The Vice Chancellor, NTR University of Health Sciences,
Vijayawada.
- 2 The Registrar, NTR University Sciences, Vijayawada.
- 3 The Principal, Gandhi Medical College, Hyderabad.
4. 2 CCs to Advocate General, A.P. High Court Buildings (OUT).
5. 2 CCs to G.P. for Medical and Health, A.P. High Court
Buildings (OUT).
6. 2. CD copies

*Form-NIC-OGS/WA {**RLD**}*